

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA :
 :
 v. : CR No. 07-134S
 :
 SOUTHERN UNION COMPANY :

STATUS REPORT

On December 22, 2010, the First Circuit affirmed the conviction and sentence in this case. United States v. Southern Union Co., 630 F.3d 17 (1st Cir. 2010). On February 17, 2011, it denied en banc review. On February 25 it issued the mandate.

On April 12, 2011, the Supreme Court granted Southern Union a 30-day extension in which to file a certiorari petition. (Supreme Court Case No. 10-A-998.) The petition is now due June 17, 2011. The Court will likely act on the petition by this fall.¹

The government has agreed not to seek any change in the status quo with respect to the current stay of judgment, pending a ruling on the petition and decision on the merits in the unlikely event the petition is granted. It reached this agreement for two main reasons: (1) if the company were to attract Supreme Court review and prevail on the merits, securing the return of some or all of the \$12 million portion of the judgment could be complicated; and (2) given the overall longevity of this case, from investigation

¹ Presumably the petition will focus almost exclusively (if not entirely) on the question of whether the Apprendi rule applies to financial sanctions. That was the focus of the en banc petition.

through trial and appeal, the passage of six or seven additional months will not significantly impair the interests of justice.

Respectfully submitted,

UNITED STATES OF AMERICA
By its Attorneys,

PETER F. NERONHA
United States Attorney

/s/ Donald C. Lockhart

DONALD C. LOCKHART
Assistant U.S. Attorney
U.S. Attorney's Office
50 Kennedy Plaza, 8th Floor
Providence, RI 02903
Tele: (401) 709-5000
FAX: (401) 709-5001
donald.lockhart2@usdoj.gov

TERRENCE P. DONNELLY
Assistant U.S. Attorney
RI Bar No. 3506
U.S. Attorney's Office
50 Kennedy Plaza, 8th Floor
Providence, RI 02903
Tele: (401) 709-5000
FAX: (401) 709-5001
terrence.donnelly@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2011, a copy of the within filing was filed electronically and is available for viewing and downloading from the ECF system.

Electronic notification:

JOHN A. TARANTINO
jtarantino@apslaw.com
PATRICIA K. ROCHA
ADLER POLLOCK & SHEEHAN P.C.
One Citizens Plaza, 8th Floor
Providence, Rhode Island 02903
Tel: 401-274-7200
Fax: 401-351-4607

GERALD J. PETROS
HINCKLEY, ALLEN & SNYDER LLP
1500 Fleet Center
Providence, RI 02903

Notification by First-class U.S. mail:

Carter G. Phillips
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005

/s/ DONALD C. LOCKHART
DONALD C. LOCKHART
Assistant U.S. Attorney
U.S. Attorney's Office
50 Kennedy Plaza, 8th Floor
Providence, RI 02903
Tel (401) 709-5000
Fax (401) 709-5001
donald.lockhart2@usdoj.gov